UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

JUN 21 2013

Ref: 8 EPR-N

Mr. Mark Albers
District Manager
Bureau of Land Management
3990 Hwy 2 West
Havre, MT 59501

Re: Draft HiLine Resource Management Plan and Environmental Impact Statement, CEQ # 20130065

Dear Mr. Albers:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)C, and Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Land Management's (BLM) HiLine Resource Management Plan Environmental Impact Statement (RMP/EIS).

We appreciated the opportunity to work closely with the BLM as a cooperating agency and member of BLM's air quality technical workgroup prior to the public release of the Draft RMP/EIS. These discussions have allowed us to work through a number of issues regarding air resources and to come to agreement on how to address them. It is evident from our review that the BLM put extensive effort into clarifying and ultimately improving this draft. In providing the following comments, we remain committed to working with the BLM to seek ways to address them.

Background

This RMP planning area covers approximately 2,437,000 acres of public land and 4,240,000 acres of federal minerals in north-central Montana. The affected lands are currently managed under two RMPs, the Judith-Valley-Phillips RMP and the West HiLine RMP. Due to considerable changes within the planning area, including oil and gas development, this RMP revision provides a single, comprehensive land use plan to guide the management of these lands and minerals and is administered now by the HiLine District. The planning area also includes lands of the Flathead, Rocky Boy, Ft. Peck, Ft. Belknap and Blackfeet Reservations.

Alternatives identified in the Draft RMP/EIS include: Alternative A (current management), Alternative B (emphasis on protection of resources; least amount of development), Alternative C (moderate resource development; sensitive resources protected in specific areas), Alternative D (emphasis on resource development; least amount of resource protection), and Alternative E- the BLM's Preferred Alternative (moderate resource development and sensitive resources protected in specific areas; this

alternative considers the recommendations of cooperating agencies and BLM specialists).

EPA Comments and Recommendations

The EPA's comments on this Draft RMP/EIS focus on air and water resources and air quality. Given the extent of potential development within the HiLine planning area and the existing conditions of air and water resources, the EPA is particularly interested in the BLM's approach to ensuring protection of these valuable resources. The EPA's comments, along with recommendations for how the BLM might address them, are specific to the following issues: (1) air resources; (2) surface water resources; (3) source water protection and public drinking water supply; (4) wetlands, riparian areas and springs; (5) water management and water resource monitoring (6) environmental justice; and (7) climate change.

1. **Air Resources**

Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through NEPA

The U.S. Department of Interior, the U.S. Department of Agriculture and the EPA signed the "Memorandum of Understanding (MOU) Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through the National Environmental Policy Act Process" on June 11, 2011. The BLM Montana Office has done an excellent job of implementing this MOU and coordinating the associated AQTW members since February of 2012. We believe the collaboration among the federal and state agencies participating in the AQTW has ensured that effective and efficient NEPA air quality evaluations have occurred and will continue to do so moving forward and that air quality will be protected. Since many of our comments already have been addressed through the AQTW, our remaining comments below are intended to provide clarification to the Draft RMP/EIS and supporting documents.

Disclosure of Potential Impacts

BLM conducted near-field modeling to disclose potential impacts to the National Ambient Air Quality Standards (NAAQS) in the HiLine planning area. However, it appears that the 3-hr SO_2 NAAQS analysis was omitted from the near-field modeling runs for the Draft RMP/EIS although it was included in the modeling protocol agreed to through the AQTW. While there may not be an impact concern given that the 1-hr, 24-hr and annual SO_2 results demonstrate compliance with the NAAQS, we recommend that compliance with the 3-hr SO_2 NAAQS also be demonstrated.

Air Resource Management Plan (ARMP)

The Draft RMP/EIS includes an ARMP for oil and gas activities that describes the air resource adaptive management strategy to be used to assess future air quality and air quality related values (AQRVs) and to identify mitigation measures to address unacceptable impacts associated with future oil and gas development. ARMP Section 6.1 describes initial mitigation measures that will be applied upon issuance of the Record of Decision (ROD) through leasing documents and project-specific NEPA documents. We fully support these initial mitigation actions and commend the BLM for its efforts to protect air quality from the outset.

The Air Resources Technical Support Document (ARTSD), p. 6, states that Tier 4 emission standards were assumed in the Draft RMP/EIS near-field modeling analysis in order to demonstrate compliance with the 1-hr NO_2 NAAQS. We note that the ARMP, Section 6.1, initial mitigation requirement for diesel drill rig engines >200 hp to meet Tier 4 emission standards for non-road diesel engines indicates that "oil and gas operators may use drill rig engines that exceed Tier 4 emission standards if modeling demonstrates compliance with the NAAQS and protection of AQRVs." We assume that this caveat means that additional near-field modeling will be required at the project-level if higher-emitting engines will be used. We recommend the Final RMP/EIS and ROD include this commitment.

We also note an inconsistency between the ARMP and Draft RMP/EIS Chapter 4, Environmental Consequences. The ARMP Section 6.1 includes an initial mitigation measures list which does not include a requirement for drill and completion engines >750 hp to meet Tier 4 generator set emission standards even though this was the emission rate used in the near-field modeling exercise (see the ARTSD, p. F-13, for modeled drill rig emission calculations). Both the Draft RMP/EIS Chapter 4 (p. 418) and the ARTSD (p. 6) reference this assumption. Based on conversations between our staffs, we understand that BLM's near-field modeling analysis included the Tier 4 generator set emission rate for engines > 750 hp in order to be representative of what is currently happening in the field (based on BLM experience), and that BLM does not believe requiring Tier 4 generator set emission standards for engines >750 hp is necessary to demonstrate compliance with the 1-hour NO_2 NAAQS. To disclose BLM's intent, we recommend that the Final RMP/EIS include the following:

- Clarification regarding which mitigation measures were necessary to ensure compliance with the NAAQS; and
- An explanation as to why BLM believes requiring drill and completion engines >750 hp to meet Tier 4 generator set emission standards is not necessary to demonstrate compliance with the 1-hour NO_2 NAAQS.

The ARMP Section 6.2.1 Monitoring-Based Thresholds Before PGM Completion, indicates that prior to completion of the photochemical grid modeling (PGM) analysis, monitoring-based thresholds for determining enhanced mitigation would be based on evaluation of monitored exceedances of the NAAQS. In the discussion of modeling-based thresholds for evaluating enhanced mitigation (Section 6.3.1), it is stated that "potential future impacts" on NAAQS or Montana Ambient Air Quality Standards (MAAQS) will be considered. To provide clarity regarding the trigger and consistency within the ARMP, we recommend replacing this language with "NAAQS or MAAQS exceedances" predicted via future PGM.

Finally, we recommend the following edits to the Draft ARMP to clarify terminology and/or to reflect recent discussions of the AQTW:

- ARMP pp. 828-830: We understand that BLM intends to run the PGM to cover the full 20 year planning cycle of the RMP rather than performing an initial PGM run followed by periodic reassessments as described in Section 5.1.2 on p. 830. We recommend revising the text to clarify this point. In addition, we recommend revising Table B.4. to include time in the schedule for the AQTW to review results from emissions modeling.

- Section 6.2.4 does not include a timeline for implementation of enhanced mitigation after the PGM is completed. We recommend a 1-year timeline for implementation of measures after selection of enhanced mitigation, similar to the timeline provided for implementation of enhanced mitigation measures prior to PGM completion (see Section 6.2.2: "Selected mitigation measures would be implemented within 1 year after the BLM decision to apply additional mitigation").

Air Resource Technical Support Document

It is important that the emissions controls and mitigation measures used to develop the emissions inventory be included as required mitigation measures for activities under the RMP. The alternative-specific emissions inventory includes a 50% or 75% control efficiency of gravel or scoria surfacing for calculating dust emissions. The ARTSD, p. 6, identifies assumptions used in this emissions inventory, including a 50% fugitive dust control efficiency for dust suppression but no mention of this 50% or 75% control with gravel or scoria. If 50% to 75% surfacing control due to the use of gravel/scoria was used in the near-field modeling, then we recommend that this control efficiency be added to the identified assumptions on p. 6 of the ARTSD and that gravel/scoria surfacing be added to the initial mitigation list of the ARMP, Section 6.1.

In addition, we have a few recommendations for clarification of the TSD, as follows:

- p. 17 – Figure 1 illustrates the well pad and receptor layout for PM_{10} and $PM_{2.5}$ modeling. Please clarify whether this same receptor layout was used for the other criteria pollutants.
- pp. 21-22 - Predicted criteria air pollutant concentrations were compared to the NAAQS, MAAQS, and Prevention of Significant Deterioration increments. For disclosure purposes, we recommend the annual comparisons for the NAAQS and MAAQS be discussed in this paragraph.

2. Water Resources

Surface Water Characterization

The Draft RMP/EIS states that of the 3,464 miles of perennial, intermittent, and ephemeral streams managed by the District, 232 miles (or 7%) have been designated as impaired by the State of Montana and EPA, according to Montana's 2010 Clean Water Act (CWA) Section 303 (d) Impaired Waters List.

The EPA recommends that the Final RMP/EIS be updated to reference Montana's 2012 Clean Water Act (CWA) Section 303 (d) Impaired Waters List, as approved by the EPA, and discuss water quality trends observed between 2010 and 2012 to more fully describe current conditions in, and downstream of, the planning area. A map showing all impaired water bodies within the planning area, as well as impaired waters downstream of the planning area, would be a useful tool in the Final RMP/EIS to convey the latest available information regarding existing water quality. For ease of identification, we suggest adding water body segment ID numbers to the table of CWA Section 303(d) waters in the Water Appendix. In addition, if MDEQ has not assessed the water quality in all water bodies within the planning area, then we recommend that

the Final RMP/EIS list such water bodies and indicate that the water quality condition has not yet been assessed by MDEQ.

EPA has approved the following tribes within and adjacent to the planning area, for treatment as a State for purposes of the Clean Water Act (CWA) Section 303 water quality standards program: Confederated Salish and Kootenai Tribes (Flathead Reservation), Assiniboine and Sioux Tribes (Fort Peck Reservation) and the Blackfeet Tribe (Blackfeet Reservation). The Confederated Salish and Kootenai Tribes and the Assiniboine and Sioux Tribes have EPA-approved water quality standards in place. The Blackfeet Tribe and the Chippewa Cree Tribe (Rocky Boy Reservation) have tribally adopted standards that are not yet approved by EPA. The EPA recommends that BLM disclose water quality standards for these tribes and that water quality impairments for these tribes and reservations be included in Chapter 3 along with the state impaired water bodies.

Surface Water Impacts and Mitigation

Critical Area Protection: The EPA commends BLM's establishment of the seven Areas of Critical Environmental Concern (ACECs) that minimize development and therefore surface water resource impacts to these critical areas. BLM's designation of No Surface Occupancy (NSO) for oil and gas development within many of these ACECs will further preserve and protect significant resources and sensitive habitats.

Erosion and Sedimentation: Sediment loading has already caused impairment of numerous water bodies in the planning area. Because future activities that may be authorized under this RMP, including oil and gas development, livestock grazing and use of off highway vehicles would result in new surface disturbance that may contribute to erosion, it is important that the Final RMP/EIS include additional information about this concern. The oil and gas activity predicted in Preferred Alternative E will involve an estimate surface disturbance of approximately 2,055 acres, mostly in the Milk River basin. Erodible soils represent a significant nonpoint source in the planning area. For this reason, we recommend the Final RMP/EIS include a map depicting areas of steep slopes and fragile or erodible soils and proximity to surface waters. Depending on a host of variables including soil characteristics, industrial operations and topography, associated runoff could introduce sediments as well as salts, selenium, heavy metals, and other pollutants into the surface waters. To fully disclose and, if necessary, mitigate the potential impacts of soil disturbance, we recommend that the Final RMP/EIS include an estimate of erosions rates, by alternative, in areas where fragile or erodible soils are present. For example, the Wyoming BLM's Bighorn Basin Draft RMP/EIS estimated erosion rates based on projected amount of surface disturbance, types of surface disturbance and general characteristics of the basin (erodible soils, slopes, etc.). Erosion rates were calculated using the Water Erosion Prediction Project model (WEPP), a web-based interface designed by the U.S. Department of Agriculture, Agricultural Research Service, which can be accessed at http://ars.usda.gov/Research/docs.htm?docid=10621. We recommend that the BLM consider using this model or another appropriate model.

Adaptive Management: We support BLM's intent to accomplish 5 year monitoring. To maximize the utility of this planned monitoring effort, we suggest the Final RMP/EIS include a commitment to use monitoring results to modify management strategies as necessary, and examples of thresholds that would trigger changes in management strategies.

Oil and Gas Leasing Stipulations to Protect Water Resources: Contaminants from surface events such as spills, pit and pipeline leaks, and nonpoint source runoff from surface disturbance have the potential to enter and impact surface water resources if these events occur in close proximity to water bodies. If surface activities are set back from the immediate vicinity of surface water, wetlands, and designated source water protection zones, this provides an opportunity for accidental releases to be detected and remediated before impacts reach water resources. If accidental releases are not detected, the setback provides a safety factor and some possibility of natural attenuation occurring. Setbacks also help prevent nonpoint source pollutants such as sediments from impacts in surface waters.

The Preferred Alternative includes water resources protections through oil and gas leasing stipulations. Specifically, the Preferred Alternative proposes the following two NSO stipulations: "Surface occupancy and use is prohibited within perennial or intermittent streams (as indicated by obligate wetland species or hydric soils); lakes, ponds and reservoirs; and floodplains;"and "Surface occupancy and use are prohibited within riparian and wetland areas." In addition, a Controlled Surface Use (CSU) stipulation is proposed to ensure that special operating procedures are required within 300 feet of riparian or wetland areas.

We have several comments and recommendations regarding the wording of the NSO stipulations, as follows:

- We recommend removing the exceptions clause from the NSO stipulations given the importance of preventing disturbance within water bodies and wetland areas. In reviewing numerous oil and gas leasing stipulations contained in other BLM EISs, we have not seen an exception process to allow for drilling within water bodies or wetlands. It is our understanding that a "no exceptions approach" of a water body or wetland is BLM's standard procedure.
- The use of "obligate wetland species or hydric soils "as indicators for intermittent streams results in an unnecessarily narrow definition of intermittent stream that would likely result in excluding many of these streams from protection. We recommend removing this clause from the NSO stipulation.
- Since the Draft RMP/EIS identifies 3,464 of stream miles in the planning area as perennial, intermittent or ephemeral, we recommend including ephemeral streams in the list of water resources to be protected by the NSO stipulation.
- We recommend clarifying the NSO language to be applicable to "100-year floodplains" in order to provide certainty for operators.

In addition, the EPA recommends BLM consider revising the 300 feet CSU setback for riparian and a wetland areas to a 500 foot NSO setback for perennial, intermittent and ephemeral streams,

lakes, ponds, reservoirs, riparian and wetland areas. We note that several other BLM Field Offices and land management agencies have required a 500 foot setback to minimize potential deterioration of water quality and to maintain natural hydrologic function of stream channels, stream banks, floodplains, and riparian communities (e.g., see Grand Junction Field Office, NSO-1, Major River Corridors; NSO-2, Streams/Springs Possessing Lotic Riparian Characteristics). We also recommend adding "springs" to the list of water resources protected by these stipulations in order to maintain proper function of these susceptible resources (e.g., see Grand junction Field office, NSO-4, Lentic Riparian Areas, which includes springs, seeps and fens). Further, given the large number of water bodies in the HiLine planning area that are impaired due to sedimentation and/or alteration in stream-side vegetative cover, we recommend a 750-foot NSO buffer for these impaired waters located in areas of high development potential.

Grazing: Grazing has the potential to adversely impact water resources, including surface and ground waters, wetlands, streams, springs and riparian areas. BLM's Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM for Montana and the Dakotas underwent NEPA analysis in 1997. All allotments in the planning area have been assessed for Rangeland Health Standards.

We understand that environmental assessments are prepared to assess the effects of alternatives developed to ensure that Rangeland Health Standards are met through grazing allotment goals and objectives. If livestock grazing levels or practices are a significant factor in failing to meet Rangeland Health Standards, the BLM has committed to take action no later than the start of the next grazing year to initiate progress toward meeting the Standards. Since such action must be taken quickly, we recommend that the Final RMP/EIS include a list of potential measures that could be implemented at the project level to meet Rangeland Health Standards. This list could include measures that the HiLine has taken in the past, as well as the following suggestions:

- Require special protections for high quality wetland resources such as springs and fens. Such protections might include development of alternative water sources, fencing to exclude livestock from a spring source, and redirection of spring water to a trough for watering;
- To avoid possible infiltration of groundwater with contaminants resulting from congregation of livestock, require adequate separation between a livestock water well and the water trough or tank;
- Specify steps to protect and/or repair any existing exclusions and upland water developments, and develop new range improvements to protect water resources;
- Monitor impacts from grazing adjacent to high value water resources;
- Adjust the timing of grazing by delaying Spring turnout, increasing rotation, and focusing grazing on areas less intensely used in the previous year;
- Develop a monitoring plan and schedule to assess effectiveness of range improvements in protecting aquatic resources; and
- Use monitoring results to modify management strategies as necessary; and designated timeframes for completion of necessary management modifications.

Source Water Protection and Public Drinking Water Supply

Characterization: Source water protection is a key issue in areas with oil and gas development. In order to ensure that public drinking water supply sources (e.g., surface water sources, including groundwater under the direct influence of surface water (GWUDISW) sources, and groundwater sources) are protected from potential impacts associated with BLM-authorized activities in the planning area, it is important to identify where these sources are located. Therefore, the EPA recommends that the Final RMP/EIS include a map delineating source water protection areas for public water supply wells. Please see enclosure 1 for a map of the Public Water Supply Inventory Regions in the HiLine planning area as prepared by MDEQ (contact Joe Meek, MDEQ, via the contact information below to enquire about the zones and how to get the GIS layers). We also recommend BLM identify reservoirs that are drinking water sources. Once these resources are identified, we recommend that the document include an analysis of the potential impacts to drinking water sources. As part of this analysis, the EPA recommends that existing water quality standards applicable to the affected water body segments be presented to help illustrate whether existing uses will be protected and water quality standards met.

Public Drinking Water Supply Source Mitigation: Groundwater is the primary source of drinking water in the planning area. We note that surface and groundwater quality in the north central part of Montana is high in total dissolved solids and other salts, diminishing the usability of the water.
The EPA recommends the following NSO language to help protect these public drinking water supply sources from potential impacts associated with oil and gas leasing:

Municipal Supply Watersheds[1] - NSO within any of the following areas, as deemed appropriate by the BLM:

- The entire watershed; or
- Local Source Water Protection Planning Areas where delineated in a Source Water Protection Plan; or
- Surface Water Spill Response Region or Groundwater Inventory Region defined by Source Water Assessments that have been delineated or evaluated by the State.
  - Surface Water Spill Response Regions are ½-mile-wide zones (on both sides of rivers or streams, upstream of drinking water intakes. They include the water body with the surface water intake and significant tributaries, for 10 miles upstream of the drinking water intake. For lakes and reservoirs, they include a ½-mile-wide zone around the water body.
  - Groundwater Inventory Regions are based on a three-year time of travel or a fixed radius of 1,000 feet (concentric buffer) around the public water supply well.

For surface water sources, if the Municipal Supply Watersheds NSO stipulation is not deemed

[1] Forest Service Manual (FSM2542) defines Municipal Supply Watersheds to include: "surface supply watersheds, sole source aquifers, and the protection zones around wells and springs." In Montana, protection zones are known as Inventory Regions.

feasible by the BLM, then at a minimum we recommend a 1,000-foot NSO or CSU setback on both sides of the river or stream, for 10 miles upstream of the intake. For lakes and reservoirs, this would include a 1,000-foot NSO or CSU setback around the water body.

For groundwater and GWUDISW sources, if the Municipal Supply Watersheds NSO stipulation is not deemed feasible by the BLM, we recommend a minimum 1,000-foot CSU concentric buffer for these sources. We make this recommendation based on consultation with Joe Meek, the Source Water Protection Program Manager with the MDEQ. He may be contacted for additional information at 406-444-4806, or jmeek@mt.gov.

The EPA also recommends the BLM include a commitment in the Final RMP/EIS and ROD to provide notice to lessees regarding these important areas in the HiLine. Lease notices for drilling within Source Water Protection Zones of public water supplies are now being used for all wells drilled under BLM authority in Utah.

3. Wetlands, Riparian Areas and Springs

The Draft RMP/EIS indicates that 82 springs have been identified in the HiLine planning area. Springs often contain rare or unique plant and animal species in addition to being important contributors to hydrologic function. Therefore, the EPA recommends that the RMP include a commitment for further analysis of springs at the project level, including evaluation of function or condition prior to authorizing any activities in these areas. To ensure that springs, as well as perennial seeps and wetlands, are identified to facilitate their protection, we recommend delineation and marking of perennial seeps, springs and wetlands on maps and on the ground before development.

We also recommend including a list of potential mitigation measures that may be applicable at the project level for oil and gas construction, drilling and production activities to prevent adverse impacts to these aquatic resources. These could include silt fences, detention ponds and other stormwater control measures. Other potential mitigation measures, including oil and gas leasing stipulations and measures to protect water resources from grazing impacts, are discussed above under Surface Water Mitigation.

4. Water Management and Water Resource Monitoring

Water Management

Given the large number of oil and gas wells estimated for the planning area and the well-document water shortages and impairments in the Milk River Basin, water demand associated with the drilling and completion of these wells is an important consideration that will benefit from careful analysis and disclosure.[2] The EPA recommends the Final RMP/EIS analyze the following:

[2] http://www.usbr.gov/WaterSMART/bsp/docs/finalreport/Milk-StMary_TechnicalReport.pdf

- Estimated water demand for the anticipated oil and gas development in the planning area;
- Possible sources of this water; and
- Potential impacts of the water withdrawals (i.e., drawdown of aquifer water levels, reductions in stream flow and associated water quality, and impacts on aquatic life, wetlands, and other aquatic resources).

In addition, the EPA recommends the Final RMP/EIS analyze and disclose how flow back and produced water will be manage, including:

- Estimated volumes of produced water;
- Options and potential discharge locations for managing the produces water (i.e., UIC wells, evaporation ponds, and surface discharges);
- Possible target injection formations, formation characteristics and depth of any UIC wells; and
- Potential impacts of produced water management.

Given the increase in rate of development expected in the HiLine planning area, the EPA recommends BLM encourage operators to consider recycling produced water for use in well drilling and stimulation, thereby alleviating the need for water withdrawals and for produced water management/disposal facilities and minimizing the associated impacts.

Water Resource Monitoring

The EPA recommends that BLM require all BLM-authorized oil and gas multi-well projects to conduct groundwater and surface water monitoring, similar to RMP requirements included by other BLM Field Offices, e.g., White River, Grand Junction in Colorado and the Uinta Basin in Utah. Specifically, we recommend explaining how water quality monitoring in the planning area will occur prior to, during, and after such development to detect impacts to both surface water and groundwater resources, including private wells. The BLM's White River Field Office in Colorado is currently working with the EPA to draft a long-term monitoring plan for groundwater and surface water resources. A recent example of a water quality monitoring plan is the "Long-Term Plan for Monitoring of Water Resources" developed by BLM for the Gasco Energy Inc. Uinta Basin Natural Gas Development Project Final EIS[3].

Additional references that may be helpful include:

- State of Montana monitoring strategy (see http://www.deq.mt.gov/wqinfo/monitoring/default.mcpx.) and the Bureau of Land Management, "*Regional Framework for Water-Resources Monitoring Related to Energy Exploration and Development*" dated September 30, 2007.

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3 http://www.blm.gov/pgdata/etc/medialib/blm/ut/vernal_fo/planning/gasco_eis/gasco_folder_6.Par.10452.File.dat/28_Gasco%20Appendix%20O.%20Long-term%20Water%20Monitoring%20Plan.pdf

- National Ground Water Association's Water Wells in Proximity to Natural Gas or Oil Development Brief[4] provides information on the importance of baseline sampling for private wells and types of analysis recommended.

5. **Environmental Justice**

The following reservations occupy land in the planning area: Flathead, Rocky Boy, Ft. Peck, Ft. Belknap and Blackfeet. Conversations with the HiLine Field Office indicate that consultation with these the tribes on these reservations has occurred. We recommend that a summary of all consultations be included in the Final RMP/EIS. We further recommend that Chapter 5: Environmental Consequences disclose impacts to these populations. If there are disproportionate impacts, additional environmental justice analysis may be warranted at the project-level stage of NEPA given the demographics of the area and the potential impacts from oil and gas development if future projects are located in close proximity to these populations.

6. **Climate Change**

Pursuant to draft Council on Environmental Quality (CEQ) guidance and Executive Order 13514, BLM has included an analysis and disclosure of greenhouse gas (GHG) emissions and climate change. We note that the GHG emissions inventory does not include oil and gas emissions from "downstream activities" such as refining that will occur outside the planning area. Because information on "downstream" indirect GHG emissions from activities may be of interest to the public in obtaining a complete picture of the GHG emissions associated with BLM-authorized activity in the planning area, it may be helpful to estimate and disclose them.

EPA's Rating

Based on our review, the EPA is rating the Draft RMP/EIS Preferred Alternative as "Environmental Concerns-Insufficient Information" (EC-2). The "EC" rating means that the EPA's review has identified potential impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the Preferred Alternative or application of mitigation measure that can reduce these impacts. The "2" rating indicates that the EPA has identified additional information, data, analyses or discussion that we recommend for inclusion in the Final RMP/EIS. We have enclosed a description of the EPA's rating system for your convenience (Enclosure 2).

We appreciate the opportunity to comment on this RMP/DEIS. We would be happy to meet to discuss these comments further. If you have any questions or request, please feel free to contact Robin Coursen of my staff at 303-312-6695 or me at 303-312-6704.

Sincerely,

Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

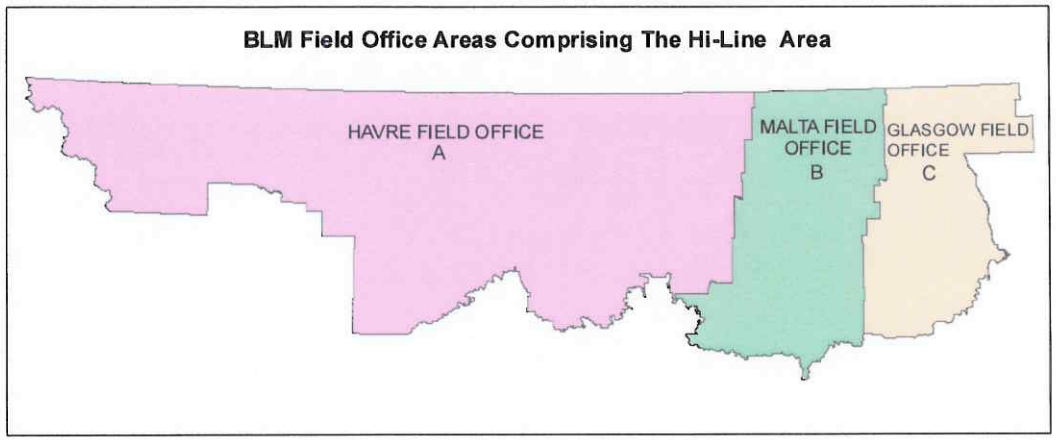
[4] http://region8water.colostate.edu/PDFs/Water_Wells_in_proximityNGWA2011.pdf

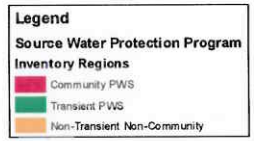
Cc: Brian Hockett, BLM
Joe Meek, MDEQ, email

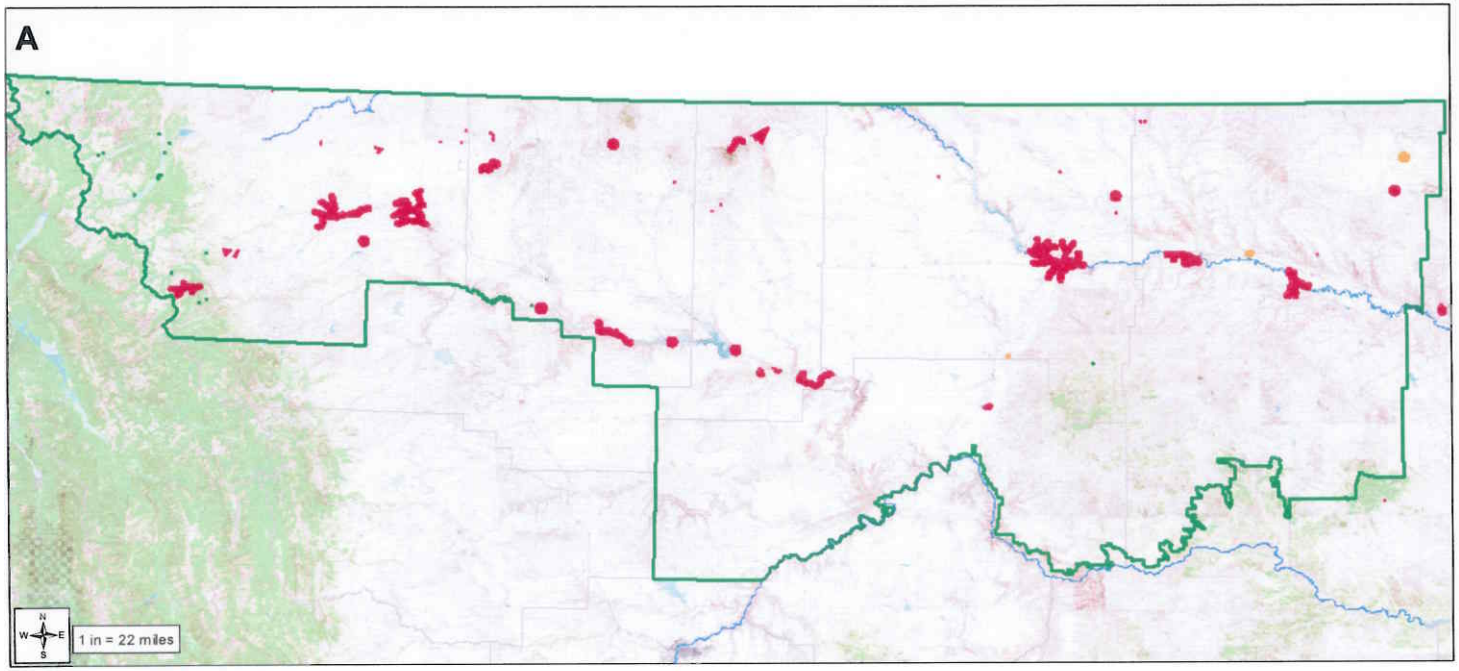
Enclosures

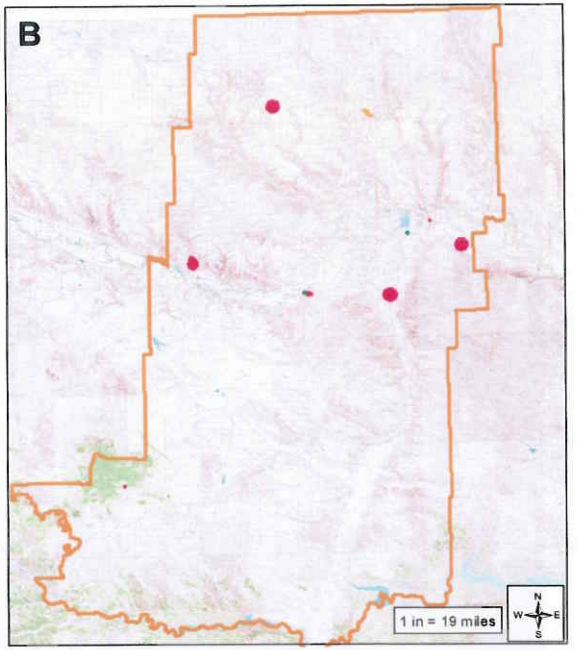
Source Water Protection Areas - BLM Hi-Line Area

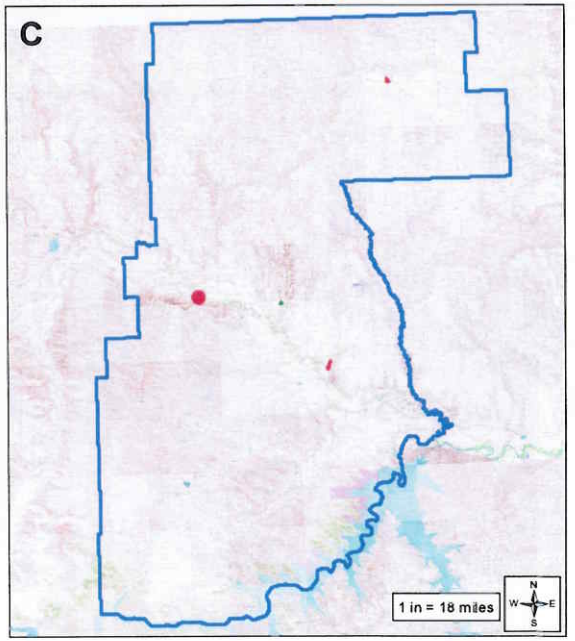
As Of 03/29/2013











U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.